

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 7, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present:     Mike Heim, Kansas Legislative Research Department  
                                  Dennis Hodgins, Kansas Legislative Research Department  
                                  Ken Wilke, Office of the Revisor of Statutes  
                                  Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Others attending:     See attached list.

**SB 63- relating to the registration of voters**

Senator Schmidt moved to pass SB 63 as amended as drafted by Secretary of State office to limit disclosure of any part of the social security number. Senator O'Connor seconded the motion. The motion carried

Senator Brownlee made a motion the move the bill out of committee favorably as amended. Senator Schmidt seconded the motion. The motion carried

**SB 127 - election procedures; petitions and advance voting**

Senator O'Connor moved to amend the language that allows election officers to use lists of deceased persons available from Social Security Administration to delete such persons names from voter registration database. Senator Schmidt seconded the motion. The motion carried.

Senator O'Connor moved to remove section on "page 11 section J line 11 through line 13". Senator Gooch seconded the motion. The motion carried.

Senator Schmidt moved to amend SB 127 on "page 2 line 22 and page 6 line 7" at the end of italicized phrase include "and has the qualifications of an elector". Senator Huelskamp seconded the motion by Senator Schmidt. The motion carried.

Senator Schmidt move the report SB 127 as amended and favorable for passage. Seconded by Senator O'Connor, the motion carried.

**SB 62 - constitutional awareness act**

Senator Schmidt proposed an amendment to SB 62 deleting section 2 and adding the language the balloon offered (Attachment 1). Senator Schmidt move to amended SB 62, seconded by Senator O'Connor. The motion carries. Senator Gooch requested to be recorded as a NO vote on the amendment.

Senator O'Connor made a motion requesting the revisor to make a substitute bill. Senator O'Connor made a motion to move pass Sub 62 as amended. Schmidt seconded the motion. The motion carried. Senator Gooch requested to be recorded as a NO vote on Sub 62.

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for February 8, 2001.



# SENATE BILL No. 62

By Committee on Elections and Local Government

1-18

9 AN ACT relating to public officers; enacting the constitutional awareness  
10 act; concerning the oath taken by certain officers elected or appointed  
11 under the laws of the state of Kansas; requiring the taking of exami-  
12 nations regarding such oath and providing for the administration of  
13 the provisions of the act; amending K.S.A. 54-106 and repealing the  
14 existing section.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. This act shall be known and may be cited as the  
18 constitutional awareness act.

19 Sec. 2. ~~K.S.A. 54-106 is hereby amended to read as follows: 54-106.~~

20 ~~(a) All officers elected or appointed under any law of the state of Kansas~~  
21 ~~shall, before entering upon the duties of their respective offices, take and~~  
22 ~~subscribe an oath or affirmation, as follows:~~

23 ~~"I do solemnly swear [or affirm, as the case may be] that I will support the constitution~~  
24 ~~of the United States and the constitution of the state of Kansas, and faithfully discharge the~~  
25 ~~duties of \_\_\_\_\_ So help me God."~~

26 ~~(b) On and after July 1, 2001, each person seeking appointment or~~  
27 ~~election to any state office requiring the taking of such oath shall take a~~  
28 ~~written examination designed to determine such person's general knowl-~~  
29 ~~edge of the provisions of both the constitution of the United States and~~  
30 ~~the constitution of the state of Kansas, in the manner prescribed by this~~  
31 ~~act. As used in this subsection, "state office" means the office of governor,~~  
32 ~~lieutenant governor, secretary of state, attorney general, state treasurer,~~  
33 ~~commissioner of insurance, state senator, state representative, member of~~  
34 ~~the state board of education and any appointive office for which the ap-~~  
35 ~~pointment is subject to confirmation by the senate as provided in K.S.A.~~  
36 ~~75-4315b and amendments thereto.~~

37 New Sec. 3. ~~(a) The state board of regents shall appoint a committee~~  
38 ~~of three members who shall design and prepare both the examination~~  
39 ~~and the handbook for persons taking such examination as required by this~~  
40 ~~act. Persons appointed to membership on the committee shall be mem-~~  
41 ~~bers of the faculty of state educational institutions under the control and~~  
42 ~~supervision of the state board of regents, having recognized knowledge~~  
43 ~~and experience involving the study and application of the constitutions of~~

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Attachment 1

~~the United States and the state of Kansas. Members of the committee shall serve at the pleasure of the state board of regents and shall organize and meet at such times as may be determined by members of the committee to be necessary to perform the duties imposed by this act. The state board of regents shall provide such staff assistance as may be required by the committee in the performance of its duties.~~

~~(b) The committee shall prepare a written examination which will determine the general knowledge of persons taking such examination concerning the structure and provisions of the constitutions of the United States and the state of Kansas. Examination questions shall not require in-depth, technical or legal knowledge or understanding of the provisions of such constitutions and shall not ask for an opinion on or an interpretation of the provisions of such constitutions.~~

~~(c) In addition to the examination such committee shall prepare a handbook containing information which will enable persons taking such examination to successfully pass the examination. Such information shall include the complete text of both the constitution of the United States and the constitution of the state of Kansas, a brief nontechnical description of the structure and provisions of such constitutions and any additional materials which the committee may determine to be of assistance in developing an understanding of such constitutions.~~

~~(d) Upon completion of the examination and handbook the committee shall file a copy of each with the secretary of state who shall provide for the printing and distribution of the examination and handbook in the manner provided in this act.~~

~~New Sec. 4. (a) Any person seeking election to a state office shall take such written examination, and the results thereof shall be filed not less than two weeks prior to any election at which such person is a candidate. A person seeking appointment to a state office shall take such written examination and the results thereof shall be filed at any time prior to taking the oath of office. Results of examinations taken by persons seeking election to state offices elected on a statewide basis shall be filed in the office of the secretary of state. Results of examinations taken by persons seeking election to state offices, other than state offices elected on a statewide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the person is a resident. Results of examinations taken by persons seeking appointment to any state office shall be filed in the state personnel files of such officer. Results of examinations taken by all officers, elected or appointed, in accordance with this act shall be open public records and be open to inspection as such.~~

~~(b) Written examinations for each person seeking election or appointment to a state office shall be conducted under the supervision of the~~

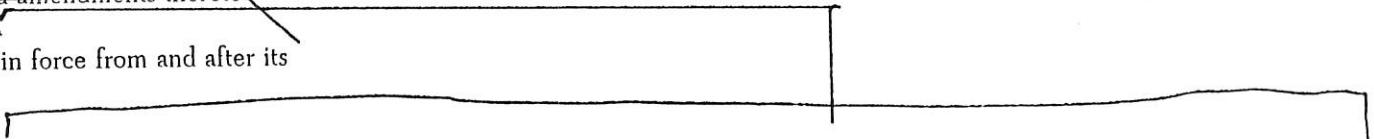
1 ~~office of the secretary of state or under the supervision of another officer~~  
 2 ~~of the state or a county election officer, when authorized by the secretary~~  
 3 ~~of state for the convenience of the person seeking to take the examination.~~  
 4 ~~The office of the secretary of state shall be responsible for the determi-~~  
 5 ~~nation of the results of examinations taken by persons seeking election or~~  
 6 ~~appointment to state offices, and for the filing thereof in accordance with~~  
 7 ~~this act. The secretary of state shall provide copies of the handbook to all~~  
 8 ~~persons required to take examinations under the provisions of this act and~~  
 9 ~~shall provide copies of both the written examination and the handbook~~  
 10 ~~to all county election officers and other officers responsible for the su-~~  
 11 ~~per vision of the conduct of such examinations.~~

12 (c) ~~Examinations conducted under provisions of this act shall be~~  
 13 ~~open-book tests and the handbook may be utilized by persons in deter-~~  
 14 ~~mining answers in the process of taking such examinations. The percent-~~  
 15 ~~age of correct or incorrect answers by any person on such an examination~~  
 16 ~~shall not affect the qualification of such person to seek and hold any office.~~  
 17 ~~Any person may repeat the taking of such examination and if a larger~~  
 18 ~~number of correct answers are achieved, such higher score shall be placed~~  
 19 ~~in the records of the person taking the examination and shall replace the~~  
 20 ~~previous results.~~

21 (d) ~~As used in this section, "state office" has the meaning ascribed~~  
 22 ~~thereto by subsection (b) of K.S.A. 54-106 and amendments thereto.~~

23 ~~Sec. 5. K.S.A. 54-106 is hereby repealed.~~

(3) 24 Sec. ~~6~~ This act shall take effect and be in force from and after its  
 25 publication in the statute book.



- (a) On and after the effective date of this act, the office of the secretary of state shall provide to each candidate for state office and each person appointed to a state office a copy of each of the following documents:
  - (1) the constitution of the United States;
  - (2) the constitution of the state of Kansas;
  - (3) the current examination for United States citizenship used by the immigration and naturalization service; and
  - (4) the answer sheet or other listing of the correct answers for the document listed in paragraph (3).

(b) ~~As used in this section, "state office" means the office of governor,~~  
*lieutenant governor, secretary of state, attorney general, state treasurer,*  
*commissioner of insurance, state senator, state representative, member of*  
*the state board of education and any appointive office for which the ap-*  
*pointment is subject to confirmation by the senate as provided in K.S.A.*  
*75-4315b and amendments thereto.*